superintendent, within the meaning of the Employer's Liability Act, when in the absence of the superintendent he was directing boiler repairs.

Employer's Liability Acts which have been adopted in several of the states are framed upon the same plan as the English statute, passed in 1880. 43 & 44 Vict. Cap. 42. The purpose and effect of these acts have been to enlarge the employer's common-law liability. At common law a superintendent was a fellow-servant. *Howels v. London Steel Co.,* L. R. 10 Q. B. 63; *Rogers v. Ludlow Mfg. Co.,* 144 Mass. 198. But in Ohio and Kentucky all employees have been allowed to recover in the absence of statute. *Little Miami v. Stevens,* 20 Ohio 415; *Louisville, etc., R. R. Co. v. Collins,* 20 Duvall (Ky.) 114. However this may be, the one purpose of the statute clearly was to prevent the plaintiff from assuming the risk of a superintendent's negligence. *Malcolm v. Fuller,* 152 Mass. 160. The courts have not clearly defined "a superintendent" and there has been much doubt in the interpretation of the words "sole and principal duty" which are used in all statutes. Obviously each case must stand upon all the circumstances connected with it. It has been decided that mere superintendence is not always enough to bring the case within the Act. *Onid v. O'Leary,* 164 Mass. 387. Nor does the fact that the employee has charge of the ways, works, machinery, or plant, fix his character as a superintendent. *Staffers v. General Steam Nav. Co.* 10 Q. B. D. 356. Negligence must occur not only during the period of superintendence but in the exercise of it. *Fitzgerald v. B. & A. R. R. Co.,* 156 Mass. 293. A servant may at times act as a superintendent. *Cushman v. Chase,* 156 Mass. 342.

MUNICIPAL CORPORATIONS—POLICE POWER—BILLBOARDS.—CITY OF PASSAIC V. PATERSON BILL POSTING CO., 62 ATL. 267 (N. J.).—A city ordinance requiring that signs or billboards shall be constructed not less than ten feet from the street line, *held,* a regulation not necessary for public safety and not justified as an exercise of the police power, *reversing* 71 N. J. L. 75, 58 Atl. 343.

There has been a determined effort by municipal corporations during the past few years to regulate the size and location of advertising billboards but these ordinances have in many cases been declared invalid as an attempt to appropriate private property without compensation. *Bill Posting Sign Co. v. Atlantic City,* 58 Atl. 342 (N. J.). The first American case on the subject of billboards was *Crawford v. Topeka,* 51 Kan. 756, where ordinance prohibiting such signs within a certain distance of sidewalk was held invalid. The same result was reached in *City of Chicago v. Gunning System,* 114 Ill. App. 377, the regulation here applying to size, location, height, and material of signs; so an ordinance forbidding erection of signs visible from a public park was void. *Com. v. Boston Adv. Co.,* 188 Mass. 348; like ordinance in N. Y. City restraining the use of lots adjacent to parks for such purposes was invalidated. *People v. Green,* 83 N. Y. Sup. 460. The most recent decision in this country is *Bryan v. Chester,* 61 Atl. 894 (Pa.), where an ordinance prohibiting the use of fences for advertising and erection of billboards, was clearly held unconstitutional. The courts of New York have, however, taken a more popular, if less legal, view of billboard legislation. An ordinance that no billboard should be erected more than 6 ft. high without permission of the city council was declared valid as reasonable police regulation. *Rochester v. West,* 164 N. Y. 510; like holding in *Gunning System v. City of Buffalo,* 77 N. Y. Supp. 987, for billboards over 7 ft. in height. The Federal Courts for New York have followed the law of that state in regarding billboards as nuisances; *Whitmier v. Buffalo,* 118 Fed. 773. But the ordinance was held to have no retroactive effect. The California courts also seem to have followed the New York doctrine. *In re Wilshire,* 103 Fed. 620.

MARRIAGE—EVIDENCE—CONSENT.—STATE V. WILSON, 62 ATL. 227 (DEL.). —*Held,* that, although the witness had lived with the accused as his wife without having been married to him, had introduced him as her husband to her family, and had signed a bail bond in his name as his wife, such facts did not prove a marriage so as to render her incompetent as a witness.

Consensus, non concubitus, facit matrimonium is a rule taken from the civil law and recognized as a fundamental principle to-day. *Dalrymple v. Dal-*